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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Litchfield Radio	)	File No. EB-04-DT-329
	)	
Litchfield, OH	)	Citation No. C20053236002
	)	

**CITATION**

**Released: September 9, 2005**

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),<sup>1</sup> to Litchfield Radio ("Litchfield") for violation of Section 302(b) of the Act,<sup>2</sup> and Section 2.803(a)(1) of the Commission's Rules ("Rules").<sup>3</sup>

2. An investigation by the Commission's Detroit Office revealed that on July 21, 2005, Litchfield Radio offered for sale at its store in Litchfield, Ohio, the following non-certified Citizens Band ("CB") transceivers:

<b><u>NAME</u></b>	<b><u>MODEL</u></b>	<b><u>PRICE</u></b>
Cobra	150 GTL DX	\$199.95
Connex	CX 3300	\$209.95
Connex	CX 3300 HP	\$249.95
Connex	CX 4300 HP	\$309.95
Galaxy	DX 33 HML	\$209.95
Galaxy	DX 44V	\$229.95
Galaxy	DX55V	\$209.95
Galaxy	DX66V	\$279.95
Galaxy	DX 93T	\$449.95
Galaxy	DX99V	\$389.95
Galaxy	DX2517	\$499.99
General	Stonewall Jackson	\$599.59
General	Lee	\$249.95
General	Longstreet	\$269.95
Magnum	M-1	\$249.95
Magnum	S-3	\$249.95
Magnum	S-6	\$299.95
Magnum	S-9	\$359.95

<sup>1</sup>47 U.S.C. § 503(b)(5)

<sup>2</sup>47 U.S.C. § 302(b)

<sup>3</sup>47 C.F.R. § 2.803(a)(1)

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<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>
Ranger	RCI-6300 OF	\$499.95
Ranger	RCI-6900 F	\$369.95
RCI	2950 DX	\$289.95
RCI	2970 DX	\$429.95
SuperStar	SS-122	\$129.95

According to the Commission's records, these devices have not received an FCC equipment authorization, which is required for Citizens Band transmitters marketed in the United States.

3. Section 302(b) of the Act provides "No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules provides that "... no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled...." CB transmitters must be certified pursuant to Section 95.603(c) of the Rules.<sup>4</sup> Litchfield's offer for sale of these devices violates both sections.

4. Litchfield marketed these devices as amateur transceivers. The Commission, however, has evaluated radio frequency devices similar to those listed in paragraph 2 and concluded that the devices at issue are CB transmitters, because they can easily be altered for use as CB devices. A CB transmitter is a transmitter that operates or is intended to operate at a station authorized for the CB service, and it must be certificated by the FCC prior to marketing or importation.<sup>5</sup> The Commission has concluded that amateur transceivers that "have a built-in capability to operate on CB frequencies and can easily be altered to activate that capability, such as by moving or removing a jumper plug or cutting a single wire" fall within the definition of a CB transmitter and cannot legally be imported or marketed in the United States. *See Response from the Commission's General Counsel to U.S. Customs Service dated May 17, 1999, 14 FCC Rcd 7797 (1999).*

5. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules. Section 95.655(a) of the Rules states "...([CB] Transmitters with frequency capability for the Amateur Radio Services....will not be certificated)." <sup>6</sup> *See also FCC 88-256, 1988 WL488084 (August 17, 1988).* This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

6. Furthermore, the Commission has revised Section 2.1204(a)(5) of its Rules<sup>7</sup> to prohibit all marketing and/or offering for sale in the United States of such devices even when the purchaser(s) had provided assurances that the transceivers are being bought solely for export. **ALL DOMESTIC**

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<sup>4</sup>47 C.F.R. § 95.603(c)

<sup>5</sup>See 47 C.F.R. 95.603(c); 47 C.F.R. 2.803

<sup>6</sup>47 C.F.R. § 95.655(a); *see also* FCC 88-256, 1988 WL488084 (August 17, 1988).

<sup>7</sup>47 C.F.R. § 2.1204(a)(5) revised effective February 28, 2000.

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**MARKETING OF SUCH DEVICES VIOLATES THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND THE COMMISSION'S RULES.**

7. Subsequent violations of the Communications Act and/or the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation,<sup>8</sup> seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.<sup>9</sup>

8. Litchfield may request a personal interview at the Commission's Field Office nearest his place of business. The nearest office is the **Detroit Office, 24897 Hathaway Street, Farmington Hills, Michigan 48335-1552, which you may contact by telephone at XXX-XXX-XXXX**. Litchfield must schedule this interview to take place within fourteen (14) days of the date of this citation. Alternatively, Litchfield may submit a written statement within fourteen (14) days of the date of this citation to the above address. Any written statement should specify what actions have been taken to correct the violations outlined above. Please reference case number EB-04-DT-329 and citation number C20053236002 when corresponding with the Commission.

9. This Citation shall be sent First Class U.S. Mail and, Certified Mail, Return Receipt Requested, to Litchfield Radio at its address of record.

10. The Privacy Act of 1974<sup>10</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Citation is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>11</sup> **Please be advised that if you choose not to respond to this Citation and a forfeiture is issued, your unresponsiveness will be considered in our assessment of a forfeiture amount.**

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater  
District Director

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<sup>8</sup>See 47 U.S.C. § 503(b)(2)(C); 47 C.F.R. § 1.80(b)(3)

<sup>9</sup>See 47 U.S.C. §§ 401, 501, 503, 510

<sup>10</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3)

<sup>11</sup>18 U.S.C. § 1001 *et seq.*